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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

CENTER FOR BIOLOGICAL
 DIVERSITY, a non-profit organization,
 Plaintiff,
 v.
 THE OFFICE OF MANAGEMENT AND
 BUDGET,
 Defendant.

No. C 07-4997 MHP

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING DEADLINE FOR
 FILING OPPOSITION BRIEFS ON
 PENDING MOTIONS FOR SUMMARY
 ADJUDICATION**

IT IS HEREBY STIPULATED by and between the undersigned, subject to the approval of the Court, that the date for the parties to file their respective opposition briefs for the currently pending cross-motions for summary adjudication (currently scheduled to be filed on October 20, 2008) shall be continued to October 23, 2008. The reason for this stipulation is that counsel for Defendant has been sick since last weekend and has not been able to prepare an opposition brief due to the symptoms he has been experiencing. Counsel for Plaintiff agreed to this request on the condition that the current hearing date of November 17, 2008 be maintained and the parties request that the hearing date be maintained. The parties believe that the Court will have sufficient time to review the papers since under this stipulated request the Court would have the papers for three weeks in advance of the hearing since no reply briefs will be filed by the parties.

The parties have not previously continued the dates contained in this stipulation.

Respectfully submitted,

DATED: October 16, 2008

By: /s/
 VERA PARDEE
 Attorneys for Plaintiff

 JOSEPH P. RUSSONIELLO
 United States Attorney

DATED: October 16, 2008

By: /s/
 MICHAEL T. PYLE
 Assistant United States Attorney
 Attorneys for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED:

The date for the parties to file their respective opposition briefs is continued to October 23, 2008. The hearing on the parties' cross-motions for summary adjudication will be held, as previously ordered by the Court, on November 17, 2008 at 2:00 p.m.

DATED: October 21, 2008

HON. MARILYN H. PATEL
 United States District Judge

